

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) Civil Action No. 01-12257-PBS

)
) Judge Patti B. Saris
)
THIS DOCUMENT RELATES TO:)
)
The City of New York v. Abbott Labs., et al.)
(S.D.N.Y. No. 04-CV-06054))
County of Suffolk v. Abbott Labs., et al.)
(E.D.N.Y. No. CV-03-229))
County of Westchester v. Abbott Labs., et al.)
(S.D.N.Y. No. 03-CV-6178))
County of Rockland v. Abbott Labs., et al.)
(S.D.N.Y. No. 03-CV-7055))
County of Dutchess v. Abbott Labs., et al.)
(S.D.N.Y. No. 05-CV-06458))
County of Putnam v. Abbott Labs., et al.)
(S.D.N.Y. No. 05-CV-04740))
County of Washington v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00408))
County of Rensselaer v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00422))
County of Albany v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00425))
County of Warren v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00468))
County of Greene v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00474))
County of Saratoga v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00478))
County of Columbia v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00867))

[Caption Continues on Next Page]

**SECOND STIPULATED EXTENSION OF TIME FOR THE
FILING OF ENDO PHARMACEUTICALS INC.'S ANSWER TO
PLAINTIFFS' REVISED FIRST AMENDED COMPLAINT**

County of Essex v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00878))
County of Chenango v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00354))
County of Broome v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00456))
County of Onondaga v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00088))
County of Tompkins v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00397))
County of Cayuga v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00423))
County of Madison v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00714))
County of Cortland v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00881))
County of Herkimer v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00415))
County of Oneida v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00489))
County of Fulton v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00519))
County of St. Lawrence v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00479))
County of Jefferson v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00715))
County of Lewis v. Abbott Labs., et al.)
 (N.D.N.Y. No. 05-CV-00839))
County of Chautauqua v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06204))
County of Allegany v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06231))
County of Cattaraugus v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06242))
County of Genesee v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06206))
County of Wayne v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06138))
County of Monroe v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06148))
County of Yates v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06172))
County of Niagara v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06296))
County of Seneca v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06370))
County of Orleans v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06371))
County of Ontario v. Abbott Labs., et al.)
 (W.D.N.Y. No. 05-CV-06373))

County of Schuyler v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06387))
County of Steuben v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06223))
County of Chemung v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06744))
County of Ulster v. Abbott Labs., et al.)
(N.D.N.Y. Case No. 06-CV-0123))
County of Wyoming v. Abbott Labs., et al.)
(W.D.N.Y. Case No. 05-CV-6379))
AND)
County of Orange v. Abbott Labs., et al.)
(S.D.N.Y. Case No. 07-CV-2777))

)

Plaintiffs, the City of New York and numerous New York Counties identified in the caption above (“New York Counties”), and defendant Endo Pharmaceuticals Inc. (“Endo”), hereby stipulate and agree as follows:

1. By Order dated July 30, 2008 (the “July 30 Order”) (Docket No. 5469), the Court granted in part and denied in part Endo’s individual motion to dismiss the First Amended Consolidated Complaint (Docket Nos. 2198, 4385).
2. On August 13, 2008, the New York Counties filed Plaintiffs’ Motion for Reconsideration of July 30, 2008 Orders Regarding Certain Defendants’ Individual Motions to Dismiss (“Plaintiffs’ Motion for Reconsideration”) (Docket No. 5498).
3. By Order dated August 27, 2008 (the “August 27, 2008 Order”) (Docket No. 5521), this Court allowed in part Plaintiffs’ Motion for Reconsideration and directed the parties to “meet and confer in good faith regarding points of agreement as to which drugs were adequately pled on the ‘revised’ Exhibit B” of the Revised First Amended Consolidated Complaint.
4. On August 28, 2008, the parties filed a Stipulated Extension Of Time For The Filing Of Endo Pharmaceuticals Inc.’s Answer To Plaintiffs’ Revised First Amended

Consolidated Complaint [Docket No. 5524]. That stipulation extended the time for Endo to file its answer until September 29, 2008.

5. The parties are working in good faith to schedule a meet and confer as directed by this Court's August 27, 2008 Order. Because that meet and confer has not yet occurred, the parties hereby stipulate that Endo need not file an answer to the Revised First Amended Consolidated Complaint on September 29, 2008. The parties further agree that Endo's answer shall be due on October 29, 2008.

Dated September 26, 2008

KIRBY McINERNEY & SQUIRE LLP

By: /s/ Joanne M. Cicala

Joanne M. Cicala
830 Third Avenue
New York, NY 10022
Telephone: (212) 371-6600
Email: jcicala@kmllp.com
Attorneys for Plaintiffs

ARNOLD & PORTER LLP

By: /s/ David D. Fauvre

David D. Fauvre
555 12th Street, NW
Washington, DC 20004
Telephone: (202) 942-5000
Email: David.Fauvre@aporter.com
*Attorneys for Defendant Endo
Pharmaceuticals Inc.*

SO ORDERED: _____
Chief Magistrate Judge Bowler

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Court's Case Management Order No. 2, by sending on September 26, 2008 a copy to Lexis-Nexis for posting and notification to all parties.

/s/ David D. Fauvre